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# NAO-2018-00995, Green Ridge Disposal and Recycling Facility, Cumberland County

## NORFOLK DISTRICT, U.S. ARMY CORPS OF ENGINEERS

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July 28, 2022

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### FEDERAL PUBLIC NOTICE

The District Commander has received a joint permit application for Federal and State permits as described below:

#### APPLICANT

Mr. Jerry Cifor  
Green Ridge Recycling and Disposal Facility LLC  
12230 Deer Grove Road  
Midlothian, VA 23112

**PROJECT LOCATION:** The project area is located north of the intersection of U.S. Route 60, Anderson Highway, and Pinegrove Road, in Cumberland County, Virginia

**PROJECT SIZE:** The project will disturb 514 acres for the construction of a 238-acre solid waste disposal cell, the associated infrastructure, and soil borrow areas.

**NEAREST WATERWAY:** Muddy Creek

**LATITUDE AND LONGITUDE:** 37.56667 N, -78.12222 W

**PROJECT DESCRIPTION AND PURPOSE:** The applicant proposes to discharge dredged and/or fill material into waters of the U.S. for the purpose of constructing a solid waste disposal facility, associated infrastructure, and soil borrow areas required for cover. The project would permanently impact 11,637 linear feet of stream channels and 0.02 acres of palustrine forested wetlands.

**AVOIDANCE AND MINIMIZATION:** The applicant's efforts to avoid and minimize impacts to jurisdictional features include minimizing the footprint of the facility to one disposal cell, relocating the proposed entrance road from the original design and other design features to minimize impacts to Waters of the U.S.

**COMPENSATORY MITIGATION:** The applicant proposes to compensate for the proposed impacts to jurisdictional resources by constructing permittee responsible mitigation (PRM) at the Boxwood Farms PRM site and by preserving the remaining Waters of the U.S. on the project site. The stream mitigation plan would create 13,106 stream credits through the restoration of 13,298 linear feet of stream channel and the preservation of 40,522 linear feet of stream channel. The applicant proposes enhance 0.32 acres of wetlands to generate 0.05 wetland mitigation credits using a 7 to 1 ratio.

A copy of the joint permit application can be found on the Virginia Marine Resources Commission's website ([https://webapps.mrc.virginia.gov/public/habitat/search\\_permits.php?id=20201619&msg=454](https://webapps.mrc.virginia.gov/public/habitat/search_permits.php?id=20201619&msg=454) ).

#### AUTHORITY:

( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and  
Title 62.1 of the Code of Virginia.

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972  
(33 U.S.C. 1413).

**FEDERAL EVALUATION OF APPLICATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision



## US Army Corps of Engineers Norfolk District Website

use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public, federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the direct, indirect, and cumulative impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act. Preliminary review of the application indicates that no EIS will be required. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander will then decide if a hearing should be held.

**ENDANGERED SPECIES:** After conducting the Norfolk District Endangered Species Act (ESA) Project Review Process, the Corps has made the preliminary determination that:

The Northern long-eared bat may be affected, but the FWS Information and Planning and Consultation (IPaC) 4(d) determination key was completed and no further coordination with the FWS is required.

There may be an effect to listed/proposed/candidate species and/or designated/proposed critical habitat under the ESA of 1973. The IPaC Official Species List and Species Conclusion Table are attached for review and comment by the FWS and the NMFS.

Additional information might change any of these findings.

### HISTORIC AND CULTURAL RESOURCES:

Historic Resources eligible for inclusion or included in the National Register of Historic Places may be in or near the Corps permit area or would likely be affected by the proposal. Additional information may change any of these findings.

**ESSENTIAL FISH HABITAT:** The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

There is no EFH in the Corps area of responsibility.

**VIRGINIA'S COASTAL ZONE MANAGEMENT PROGRAM:** For compliance with the Coastal Zone Management Act of 1972, as amended for projects located in Virginia's Coastal Zone, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal uses or resources will be conducted in a manner consistent with the Virginia's Coastal Zone Management Program (Virginia CZM Program), and obtain concurrence from the Department of Environmental Quality (DEQ), Office of Environmental Impact Review (OEIR). It is the applicant's responsibility to submit a consistency certification to the OEIR for concurrence or objection, and proof of concurrence must be submitted to the Corps prior to final permit issuance. A template federal consistency certification can be found in the Federal Consistency Manual here: <https://www.deq.virginia.gov/permits-regulations/environmental-impact-review/federal-consistency>. For more information or to obtain a list of the enforceable policies of the Virginia CZM Program, contact the DEQ-OEIR at (804) 659-1915 or e-mail: [bettina.rayfield@deq.virginia.gov](mailto:bettina.rayfield@deq.virginia.gov).

No concurrence is required because the project is not located within Virginia's Coastal Zone.

**VIRGINIA'S SECTION 401 WATER QUALITY CERTIFICATION PROGRAM:** The applicant must obtain, from the Virginia DEQ, a Clean Water Act Section 401 Water Quality Certification for any federal license or permit that authorizes an activity that may result in a discharge into waters of the U.S. (40 CFR Part 121). As the Certifying Authority, the Virginia DEQ may grant, grant with conditions, or deny a certification request. Alternatively, the Virginia DEQ may waive, expressly or implicitly, its authority to act on a certification request. In either case, a written notice of waiver from DEQ (expressly waived) or from the Corps (implicitly waived), satisfies the project proponent's requirement to obtain certification.

Pursuant to 33 CFR 325.2(b)(1)(i), this Public Notice serves as the Corps' CWA § 401(a)(2) notification to the Administrator of the Environmental Protection Agency (EPA). Pursuant to 40 CFR 121.12, the EPA shall notify the Corps, the Virginia DEQ, and the applicant, within 30 days of receipt of the application and certification, if the Regional Administrator determines that the proposed discharge may affect the quality of the waters of any



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on August 20, 2022.

**PRIVACY AND CONFIDENTIALITY:** Comments and information, including the identity of the submitter, submitted in response to this Public Notice may be disclosed, reproduced, and distributed at the discretion of the U.S. Army Corps of Engineers. Information that is submitted in connection with this Public Notice cannot be maintained as confidential by the U.S. Army Corps of Engineers. Submissions should not include any information that the submitter seeks to preserve as confidential.

If you have any questions about this project or the permit process, contact Steven VanderPloeg at [steven.a.vanderploeg@usace.army.mil](mailto:steven.a.vanderploeg@usace.army.mil) or (804) 323-7071.

Attachments:

Drawings

Species Conclusion Table

Official Species List

USGS Map

Related Story: [Drawings](#)

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